

Massachusetts Water Resources Commission

Meeting Minutes for October 14, 1999

Commission Members in Attendance:

Mark P. Smith	Designee, Executive Office of Environmental Affairs
Marilyn Contreas	Designee, Department of Housing and Community Development
Richard Thibedeau	Designee, Department of Environmental Management
Lealdon Langley	Designee, Department of Environmental Protection
Mark Tisa	Designee, Department of Fisheries, Wildlife & Environmental Law Enforcement
Joe Pelczarski	Coastal Zone Management
Richard Butler	Public Member
Gary Clayton	Public Member
David Rich	Public Member

Others in Attendance:

Joseph D. Celano	Town of Ashland
William J. Nunnery	Earth Tech
Dexter Blois	Town of Ashland
Ian Cooke	Neponset River Watershed Association
Lou Wagener	Mass Audubon
Jonathan Yeo	MWRA
Vicki Gartland	DEM
Linda Marler	DEM
John Magenheimer	DEM
Steve Asen	DEM
Leo R. Yuskus	Haley and Ward
Duane Levangie	DEP
Michele Drury	DEM
Mike Gildesgame	DEM
Lealdon Langley	DEP
Otto A. Busher	Town of Hopkinton
Eric Carty	Town of Hopkinton, DPW
Lorraine M. Downey	MWRA
Nina Danforth	DEM
George Wilson	Sithe Northeast
Sam Mygatt	Epsilon Associates
Tony Zuena	SEA Consultants
Rich Raiche	SEA Consultants
Gregory Robbins	Marshfield DPW
Kathleen Stacey	Commissioner, Marshfield
Michael D. Curran	Town Counsel, Canton
Roger A. Nicholas	Town Planner, Canton
William J. Pauk	Supt/Engineer, Haverhill Water & Wastewater
Chris Hatfield	US Army Corps of Engineers

Harold Costa	City of Lowell
Charles Katuska	Mass Wetlands Restoration and Banking Program
Christy Foote-Smith	Mass Wetlands Restoration and Banking Program
Michael J. Fleming	EOEA Watershed Team Leader, SUASCO
Michael Soraghan	Town of North Reading

Agenda Item #1: Executive Director's Report

- Smith stated that the Mansfield submitted their IBT application for the proposed well in the Witch Pond area which is undergoing a completeness review. Also, the Foxboro stadium issue occasioned a meeting of three towns to see if the towns could accommodate wastewater disposal until the stadium is able to develop its own ground water discharge. They are looking at many creative issues.
- EPA stormwater initiative on Phase II permits. They also talked about TMDLs which is a growing issue around the country.
- MMR: 15,000 acres set aside as a water supply and wildlife habitat area.
- Sen Tarr's conservation legislation was reported out of committee.
- Staff is working on next year's work plan, so members are encouraged to contact staff with their ideas.
- Next meeting Nov. 4th not 11th due to holiday. Will review the FY99 work plan to track accomplishments

Agenda Item #2: Nantucket Water Needs Forecast:

Asen presented the water needs forecasts for the Town of Nantucket (Wannacomet Water Company) which was fully discussed at the September 9 meeting. The Water Company is requesting a new Water Management Act permit for the State Forest well. They are also requesting an increase in their existing permitted withdrawals due to very high population growth within the past decade, a trend expected to continue in the future. There were some questions regarding the summer water use and how that was included in the calculations of water need. There was also a question regarding environmental impacts of water withdrawals.

A motion was made by Butler and seconded by Clayton to:

Approve the water needs forecast for Nantucket as recommended by staff, for up to 1.68 mgd in 2010.

The motion was passed unanimously.

Item #3 Discussion: Determination of the applicability of the Interbasin Transfer Act to the Sithe Edgar Development Project, Weymouth

Drury presented the issues and staff recommendation related to the proposed development, which would use 0.13 mgd of water annually, with peaks of up to 0.89 mgd purchased from Quincy. A small portion of the site is in the City of Quincy although the structure is located entirely within the Town of Weymouth. Drury explained, with assistance from Yeo, that the MWRA "straddle" policy provides that if a parcel of land has area in an MWRA and non-MWRA water supply community, the MWRA user community may supply water to the entire parcel, subject to certain restrictions. Representatives from Epsilon Associates provided more details on the project.

A vote on the Determination of Applicability will be taken at the November 4, 1999 meeting, at which time the motion will read:

The WRC finds that the Interbasin Transfer Act is not applicable to the Sithe Edgar Development, LLC proposal for a connection to MWRA through Quincy, subject to the conditions of the MWRA straddle policy [“Water Connections Serving Property Located in a Non-MWRA Community”, Policy #OP.09] effective as of June 30, 1999.

There was discussion as to whether the motion also should include a statement that the Act is inapplicable to other actions subject to the MWRA straddle policy. It was decided to not include the precedent-setting statement in the original motion, but rather to let any future situations use this case as a precedent if the conditions warrant. A vote will be scheduled for the next meeting.
--- end of tape

Item #4: Determination of insignificance under the Interbasin Transfer Act of Hopkinton's water supply project

The proposed water supply development is subject to the Act because a portion of the wastewater will go out of basin via on-site septic systems. The total estimated volume of the transfer is 56,500 gallons per day. Clayton asked if there was a way to analyze the downstream cumulative impacts of a series of these small transfers, particularly on stressed subbasins. He asked if there was a list of past actions on the river. Drury suggested that this was a good question, but primarily an intrabasin issue. There was a discussion of how, or if, this concern should be reflected in the WRC decision on Hopkinton, either by stating the concern for cumulative impacts, discussing it separately as an issue for the subbasin, or discussing it as an impact the Hopkinton Reservoir. It was pointed out that this issue is part of a larger project, and the concerns will be addressed in the Ashland permit review (it was suggested that the MOU between MDC and DEM on the Hopkinton Reservoir operations be attached if available).

It also was noted that the overall project of adding wells and pumping capacity will be subject to the Act and therefore will receive a full review. It was also suggested that the WRC see DEP's comments on Ashland's permit review under the WMA, so this is a small part of a larger project. The concerns will be addressed Ashland's permit review.

Item #5: Canton's compliance with conditions of the Interbasin Transfer approval

Drury reviewed the conditions of the approval of Canton's Interbasin Transfer for the development of Well #9.

The recommendation was made to amend the staff recommendation for the 2:1 offset provision with a time line or schedule, that it is not a *pro rata* item.....

Tony Zuena commented that the Town has found an acceptable compromise or has complied with all the conditions of the Transfer approval including putting a time frame for the 2:1 offset. The Town supports and is in full agreement with the staff summary and looks forward to a positive vote in November.

Ian Cooke commented that there are many fewer areas of disagreement with the Town than in the past, but still had concerns in a regional context. Particularly, he was concerned about the incremental impacts of the well to the Fowl Meadow of up to 15% reduction in streamflow. The

15%, he stated, already is in addition to existing other actions on the river. Cooke said that base flow in the Neponset has dropped by 50% since the 1930's.

He questioned how the Town's program goals of I/I removal are achieved, given that finding a trend in a variable system is difficult; that I/I programs don't always get out what is expected because new I/I enters the system as one part is fixed. Changing from a streamflow basis, as the WRC originally intended, to this engineering basis guarantees that the goal will not be met. Therefore, the Town should add a multiplier to the goal to compensate for this problem or establish and enforceable "look-back" period on the MWRA estimated flows.

Cooke also commented on the intent to regulate the well on the basis of a new Green Lodge Street gage. The USGS established a rating curve and took some daily flow measurements, which were higher than the estimates. Based on this, he stated the Green Lodge measurements will not protect the entire river and that Canton will be able to pump on more days than previously expected. He also commented on the sewer extensions in the Town. The WRC decision is vague on the infill and expansion of the system to meet the 2:1 offset. The entire transfer, including both, must be mitigated. It is unclear, he concluded, how the goal will be met with simply a volume in the extension permit. There must be a clarification of when mitigation is completed and how attainment will be measured.

Mark Smith asked if there is a precedent for using a multiplier and what kind of documentation would be needed. Also, it is important to clarify from the original decision what changes have occurred in the current data. ----

David Rich asked how we could come up with a multiplier factor; what the basis would be and how to measure it. Zuena said the Town will take a hard line on additional concessions; that they have acted in good faith and would not likely be open to new rules being imposed now.

Smith stated that the task at hand is to fulfill the original intent and letter of the original decision; and that he hoped to reach consensus. A decision would be voted on at the November 4th meeting.

Item #6: Requests for assistance from the Army Corps of Engineers under section 22 and FPMS

Gildesgame reminded the WRC that, as in past years, the Commission would be asked to prioritize the requests for assistance from the Corps. This year there were three FPMS projects and 4 section 22 projects. A vote on prioritization is scheduled for November 4, 1999.

Clayton noted that he would recuse himself from discussing or voting on the Marshfield project as his employer, Massachusetts Audubon Society has land in the project area.

Representatives from the applicant communities provided a brief outline of the projects, followed by questions from the Commission.